

REMARKS

Applicant hereby responds to the Office Action dated 2/22/2010 which was in response to the Action dated 8/6/2009. Therein, the examiner indicated that the prior Office Action was an action on the merits and that applicant is not able to add claims 23-41 as dependent from claims 21 and 22.

Applicant has responded herewith in an effort to amend the claims in accordance with those elected. As such, applicant has amended the claims to present new claims which are believed to fall within the scope of those originally elected. Applicant will reserve filing of the other claims in a divisional case.

Previously, the subject matter was rejected under 35 U.S.C. 101. This is traversed. The instant invention provides a new, useful and not obvious method of promoting carbon reduction.

Just the same as board games which may be protected by patents, so too can the instant invention be patented. A board game may be patented as long as it is new, useful and not obvious, the three criteria for patentability. A board game is not new if it has been sold in the United States or made public more than one year before a patent is applied for. The "useful" criterion is easily met if the game is educational, for enjoyment or serves some other purpose. The game must also not be obvious in view of other games. It is the structure of the game, that is, the board and playing pieces and their interaction that may be patentable subject matter, as well as the method of playing the game may be patentable.

In the instant application, a method of promoting carbon reduction, includes the steps of:

- (a) assigning a carbon credit consumer symbol ("CCCP") in the form of media offered with a product or service;
- (b) planting a tree; and
- (c) allowing said tree to grow for a predetermined period of time for a predetermined carbon absorption capability of said tree thereby creating a carbon credit value.

The method can further include (d) harvesting said tree, and (e) planting another tree. The form of media can include a tag, a displayed image or an associated printed sheet. The step (a) can be further characterized to include assigning a value of carbon credits to the product or service and including the value in the media. The invention also includes presentation of the media bearing the value of carbon credits and carbon credit consumer symbol ("CCCP") to enable at least part of a purchase of the product or service.

Here, the "useful" criterion is easily met as the invention provides educational, enjoyment and environmental productive purposes. In view of the rejection of claims 21 and 22 under 35 U.S.C 101, amendments to the claims and further in view of the uncertainty of the type of subject matter which is deemed patentable per the pending Supreme Court Bilski case, applicant has amended the claims and submit new claims 42-49. Applicant requests that the claims 42-49 be reviewed as method claims which are patentable until indicated otherwise by the Supreme Court (which is currently

hearing arguments on such subject matter). Further, it is submitted that the claims 42-49. Withdrawal of the rejection is kindly requested.

Claims 21 and 22 were rejected under 35 U.S.C. 102(a) over Riley. Riley merely mentions the term carbon credit in conjunction with the concept of offsetting for carbon emissions.

Riley merely discloses that pollution makers, such as large companies which emit significant CO₂ can buy credits to offset their emissions. This does not teach, suggest or disclose a method of promoting carbon reduction by assigning a carbon credit consumer symbol ("CCCP") in the form of media offered with a product or service; planting a tree, and allowing the tree to grow for a predetermined period of time for a predetermined carbon absorption capability of the tree thereby creating a carbon credit value. The method is further characterized to include assigning a value of carbon credits to the product or service and including the value in the media. The method further includes presentation of the media bearing the value of carbon credits and carbon credit consumer symbol ("CCCP") to enable at least part of a purchase of the product or service. Nowhere in Riley is the instant invention disclosed, suggested or taught. The invention is patentably distinct over Riley. Withdrawal of the rejection is respectfully requested.

Accordingly, the instant invention is patentably distinct over the cited reference. Riley provides no such disclosure and accordingly does not anticipate or render obvious the instant invention. Rather, Riley is simply a general disclosure of a concept and does not provide the disclosure of the instant invention. Riley is not prior art to the instant

invention and even if it is, it does not anticipate or render obvious the claimed invention.
Withdrawal of the rejection of the claims is respectfully requested.

This is intended to be a complete response to the office action dated 2/22/2010.

An extension of time and fee are submitted herewith.

Respectfully submitted,

/ R. William Graham/

R. William Graham,

Reg. No. 33891

Certificate of Transmission

I hereby certify that this correspondence is being electronically transmitted to the United States Patent Office for Group Art Unit: 3622 on the date shown below.

/ R. William Graham/ 3/22/2010

R. William Graham,

Reg. No. 33891